

**REMARKS**

Claims 20-22, 24, 25, 29-32, 34-37, 45-46 and 50 are pending in this application.

Claims 20, 37 and 50 have been amended by the present Amendment.

Amended claims 20, 37 and 50 do not introduce any new subject matter.

**REJECTIONS UNDER 35 U.S.C. § 102**

Reconsideration is respectfully requested of the rejections of claims 37, 45 and 46 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,380,978 ("Adams") or U.S. Patent No. 6,216,927 ("Meritt").

In response to the rejection, Applicant has amended the claim 37 to delete "is capable of", and requests that the rejections under 35 U.S.C. § 102 be withdrawn.

**REJECTION UNDER 35 U.S.C. § 103**

Reconsideration is respectfully requested of the rejection of (1) claims 20-22, 24, 25, 29-32, 34-37, 45, 46 and 50 under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Meritt, further in view of U.S. Patent No. 6,371,345 ("Leyden") and JP 06197245 ("Yoshioka"), and finally in view of U.S. Patent No. 5,337,985 ("Hale").

Claims 20, 37 and 50 essentially recite, *inter alia*, that the at least one rigid member/mounting post telescopes to increase and reduce a length thereof along the z-axis direction.

For example, referring to paragraph 0060 on pages 19-20 of Applicant's disclosure, the mounting posts 405 may be adjustable in forward/rearward (z-axis) directions by being telescopic to allow for forward/rearward adjustment of the housing 410/510. This telescoping design of the mounting posts facilitates adjustment of the housing 410/510 by a user for different viewing positions and viewing angles. See

Applicant's disclosure at ¶¶ 0060-0061.

Applicant respectfully submits that Adams, when taken alone, or in combination with Meritt, Leyden, Yoshioka and/or Hale does not disclose or suggest the rigid member/mounting post as claimed. Further, there is no motivation to modify Adams to include the claimed rigid member/mounting post.

*The Cited References Do Not Disclose Telescoping  
Rigid Members/Mounting Posts In The Z-Axis Direction*

In contrast to the claimed embodiments, none of the cited references disclose a rigid member/mounting post that telescopes in the z-axis direction to change a length thereof, as recited in claims 20, 37 and 50. For example, the post 14 in Leyden and the suspension arms 2 in Yoshioka do not telescope to increase or reduce a length thereof. Further, none of the remaining cited references cure these deficiencies in Leyden and Yoshioka.

Accordingly, the cited references fail to disclose a rigid member/mounting post that telescopes in the z-axis direction, as recited in claims 20, 37 and 50.

*There Is No Motivation To Modify Adams To Include Rigid Members/Mounting  
Posts Attached To The Housing Via A Moveable Ball Joint Moveable In At Least  
Two Of X-Axis, Y-Axis And Z-Axis Directions That Telescope In The Z-Axis  
Direction*

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Applicant submits that there is no motivation to modify Adams to include the claimed rigid member/mounting post because such a modification would require a substantial reconstruction and redesign of the elements in Adams and change the basic principle under which the structure in Adams was designed to operate.

M.P.E.P. § 2143.01 states that

If the proposed modification or combination of the prior art  
would change the principle of operation of the prior art

invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (The court reversed the rejection holding the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate." 270 F.2d at 813, 123 USPQ at 352.).

Referring to Fig. 2A in Adams, a holder for a DVD player includes two horizontal planar portions and one vertical planar portion. Each of these portions is fixed in size, with the top horizontal and vertical planar portions wrapping around top and rear portions of the seat body, and the bottom horizontal portion supporting the underside of the DVD player. The holder in Adams appears to be a molded piece rigid enough to support the DVD player. Part of the support for the holder is also provided by the top and rear portions of the seat, and the top horizontal portion includes two holes to receive the headrest posts and secure the Adams holder to the seat.

There is no motivation to replace the top horizontal portion of the holder in Adams with the claimed rigid member/mounting post. It is essential to the function of the holder in Adams to rigidly wrap around a seat, and there is no motivation to modify the top horizontal planar portion to attach to a housing via the moveable ball joint and to telescope in the z-axis direction. Indeed, the DVD player in Adams need only be rotated on the existing holder to change a viewing angle thereof. Further, eliminating the fixed design of the top horizontal planar portion would compromise the structural integrity and strength of the holder in Adams.

Moreover, such modifications to the holder in Adams would undoubtedly require substantial reconstruction and redesign of the elements of the holder, thereby changing

the principles under which the holder in Adams was designed to operate.

Accordingly, Applicant submits that there is no motivation to modify Adams to include the claimed rigid member/mounting post attached to the housing via a moveable ball joint moveable in at least two of x-axis, y-axis and z-axis directions that telescopes to increase and reduce a length thereof along the z-axis direction.

Accordingly, for at least the above reasons, Applicant respectfully submits that claims 20, 37 and 50 are patentable over Adams in view of Meritt, Leyden, Yoshioka and Hale.

In addition, for at least the reason that claims 21, 22, 24, 25, 29-32, and 34-36 depend from claim 20, and claims 45 and 46 depend from claim 37, claims 21, 22, 24, 25, 29-32, 34-36, 45 and 46 are also submitted to be patentable over the cited references.

As such, Applicant respectfully requests that the Examiner withdraw the rejection of claims 20-22, 24, 25, 29-32, 34-37, 45, 46 and 50 under 35 U.S.C. § 103(a).

#### **DEPENDENT CLAIMS**

Applicant has not independently addressed the rejections of all the dependent claims because Applicant submits that, in view of the amendments to the claims presented herein and, for at least similar reasons as why the independent claims from which the dependent claims depend are believed allowable as discussed, *supra*, the dependent claims are also allowable. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael F. Morano", written over a horizontal line.

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